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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,869	02/20/2004	Gregory A. Sherf	14394 (6365/90774)	7533

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EXAMINER

EVANISKO, LESLIE J

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/783,869

Applicant(s)

SHERF, GREGORY A.

Examiner

Leslie J. Evanisko

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 and 20 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 6-9 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 10-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 06-17-2004. ✓

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: reference numerals **A₂₀** and **P** in Figure 5A.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "rotational axis A" in line 2 of paragraph [0026] on page 4 and "object holder H" in line 4 of paragraph [0033] on page 6.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 12-18 are objected to because of the following informalities:

With respect to claim 12, it appears that the term "head" was inadvertently omitted from line 3 before the term "being".

Appropriate correction and/or clarification is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 6, and 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Catalan et al. (US 6,796,241). Catalan et al. teach a rotary head pad printer comprising a frame, a head mounted to the frame for rotational movement on the frame and at least one pad assembly 78 mounted to the head and reciprocating between an extended position and retracted position, the pad assembly rotatable about an axis between a first rotational position and a second rotational position, wherein the first and second rotational positions are non-parallel to each other. See, in particular, Figure 5 and column 5, line 57 through column 6, line 11 of Catalan et al.

With respect to claim 2, note Catalan et al. teach a plurality of pad assemblies in column 5, lines 57-59 and lines 65-67 and the pad assemblies reciprocate between an extended position and retracted position as described in column 6, lines 1-11.

With respect to claim 6, note Catalan et al. teach a driving pulley 84.

With respect to claims 8-9, note Catalan et al. teach a pneumatic cylinder providing the reciprocating movement of the pad assembly in column 6, lines 3-5.

6. Claims 1, 6, and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Samuels (US 4,530,286). Samuels teaches a rotary head pad printer comprising a frame, a head mounted to the frame for rotational movement on the frame and at least one pad assembly 33 mounted to the head and reciprocating between an extended position and retracted position, the pad assembly rotatable about an axis between a first rotational position and a second rotational position, wherein the first and second rotational positions are non-parallel to each other. See, in particular, Figure 1 and column 2, line 38 through column 3, line 22 of Samuels.

With respect to claim 6, Samuels teaches a drive for rotating the head in column 3, lines 5-22 in particular.

With respect to claims 8-9, Samuels teaches a pneumatic cylinder 41 for reciprocating the pad assembly in column 3, lines 5-22.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Catalan et al. (US 6,796,241 B2). Catalan et al. teaches a pad printer having all of the structure as recited, with the possible exception of including a servomotor for rotating the head. Note that Catalan et al. teach a driving pulley 84 for rotating head but is silent with respect to whether the mechanism used to drive the pulley is a servomotor. However, the use of a servomotor to drive a pulley arrangement is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to provide a servomotor to drive the pulley for rotating the head of the pad printer of Catalan et al. as it would simply require the obvious substitution of one known driving mechanism for another to provide for accurate rotation/positioning of the head during the printing process.

Allowable Subject Matter

9. Claims 3-5 and 10-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 12-18 are objected to for the reasons set forth above, but would be allowable if rewritten to overcome the above objection to the satisfaction of the Examiner.

11. Claims 19-20 are allowed.

12. The following is a statement of reasons for the indication of allowable subject matter:

With respect to claim 3, the prior art of record fails to teach or fairly suggest a pad printer having all of the structure as recited, in combination with and particularly including, the two pad assemblies being mounted to the head at an angle relative to one another between zero and 180 degrees, exclusive of zero degrees.

With respect to claim 5, the prior art of record fails to teach or fairly suggest a pad printer having all of the structure as recited, in combination with and particularly including, the plane defined by the head rotation being at an angle of about 45 degrees to the horizontal.

With respect to claim 10, the prior art of record fails to teach or fairly suggest a pad printer having all of the structure as recited, in combination with and particularly including, the two pad assemblies reciprocating independently of one another.

With respect to claim 11, the prior art of record fails to teach or fairly suggest a pad printer having all of the structure as recited, in combination with and particularly including, the head rotating 180 degrees to move the two pad assemblies between the first and second rotational positions.

With respect to claims 12 and 19, the prior art of record fails to teach or fairly suggest a pad printer having all of the structure as recited, in combination with and particularly including, first and second reciprocating pad assemblies, each of the pad assemblies reciprocating independently of one another between an extended and retracted position, wherein the pad assemblies reciprocate in first and second directions that are nonparallel to one another.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. JP 2000-94639, Link et al. (DE 31 30 174 A1), Dubuit (US 3,916,784), Philipp (US 4,060,031), and Mason (US 5,943,957) each teach a pad printer arrangement having obvious similarities to the claimed subject matter.


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on M-Th 7:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Leslie J. Evanisko
Primary Examiner
Art Unit 2854

lje

November 14, 2004